

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

DAVID LEE SLAVENS

§
§
§
§
§

Case No. 4:07cr131
(Judge Crone)

REPORT AND RECOMMENDATION **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on April 22, 2013, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Mandy Griffith.

On May 13, 2008, Defendant was sentenced by the Honorable Michael H. Schneider to twenty-seven (27) months followed by three (3) years of supervised release for the offense of Felon in Possession. On April 27, 2010, Defendant completed his period of imprisonment and began service of his supervised term. On September 20, 2012, this case was reassigned to the Honorable Marcia A. Crone.

On April 2, 2013, the U.S. Probation Officer executed a First Amended Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the following mandatory condition: the defendant shall not commit another federal, state, or local crime. The petition also asserted that Defendant violated the following standard condition: the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance or paraphernalia related to such substances, except as prescribed by a physician. The petition alleges violation of the following special conditions: (1) the

defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the U.S. Probation Office, until such time as the defendant is released from the program by the probation officer; and (2) under the guidance and direction of the U.S. Probation Office, the defendant shall participate in any combination of psychiatric, psychological, or mental health treatment as deemed appropriate by the treatment provider.

The petition alleges that Defendant committed the following acts: (1) on January 3, 2013, Defendant pleaded guilty to the offense of Theft \$1,500 in the Criminal District Court #3 in Dallas County, Texas, and he was sentenced to nine months state jail; (2) Defendant submitted a urine specimen on February 6, 2012, which tested positive for methamphetamine; (3) Defendant failed to report for drug testing on May 3, 2012, May 9, 2012, May 17, 2012, May 21, 2012, May 23, 2012, May 29, 2012, June 5, 2012, June 11, 2012, June 15, 2012, June 19, 2012, June 23, 2012, and June 28, 2012; and (4) Defendant failed to attend mental health counseling through the provider at County Rehabilitation Center and was unsuccessfully terminated from the treatment program on May 29, 2012. He also failed to attend a scheduled appointment with Dr. Vail on May 22, 2012.

Prior to the Government putting on its case, Defendant entered a plea of true to all of the violations. The Court recommends that Defendant's supervised release be revoked.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of fourteen (14) months with no supervised release to follow.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing.

Defendant and the Government also waived their right to file objections.

SIGNED this 28th day of April, 2013.

A handwritten signature in black ink, reading "Amos Mazzant". The signature is written in a cursive style with a horizontal line underneath the name.

AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE